

PROFESSOR STEELE'S OPUS

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MY professional life has been peculiarly, and perhaps uniquely, intertwined with that of Professor Walter W. Steele, Jr. He was one of my first-year teachers, part of that unforgettable cadre that makes such an impression on the relatively innocent and untrained mind. Not content with just one exposure to Professor Steele's dry wit and obvious impatience with sloth, gullibility, and illogic, I enrolled in more of his classes after I succeeded, much to my surprise, in passing the first year of law school.

In what looks in retrospect like the ultimate temptation of fate, I even enrolled in the Criminal Clinic and Civil Clinic, exposing my underdeveloped practice skills to the critique of my former criminal justice, juvenile law, and ethics professor. After all these years, I scarcely can speak the word "inadequate" without thinking of the interminable period I spent closeted with Professor Steele reviewing the videotape of my brilliant first interview with a client. It was clear to me after that session that had I chosen medicine as my profession, I would have killed my first patient. I don't recall my teacher consoling me for making mistakes or dwelling, out of some sense of compassion for my grief and embarrassment, on my oh-so-brief moments of bare adequacy. He simply conveyed, as he did in every class, every encounter, every conversation, that we were doing the most important work in the world, and that nothing less than the very best — not just *our* very best, but *the* very best — would ever be good enough for the clients we were lucky enough to represent.

When I was tempted to plead a client guilty because he had been offered a "good deal," the specter of Professor Steele loomed in my imagination, demanding to know why our client should settle for anything less than acquittal and vindication. I sometimes believed that if I had secured beautification for my accused client, Professor Steele would have reviewed the work and insisted that I should have secured canonization.

When I passed beyond the walls of academe, diploma in hand and without having secured the death penalty for any of my DWI clients, I appreciated with new intensity the worth of my teacher's demand for ex-

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cellence. Practice came to me as a challenge, but not an insurmountable one, because Professor Steele never acknowledged the existence of insurmountable challenges. By force of habit, I knew that I had been given the rare privilege of caring for the lives and liberties of my clients, and that only by the application of extraordinary and ethically irreproachable effort could I hope to earn that trust.

I cannot claim to have always achieved the high standards I learned from Professor Steele. Sometimes I disappointed myself, but it was not because I had been taught improperly. And when I did work harder and reach higher, it often was inspired by what I had learned from the teaching and example of Walter Steele.

Having always been interested in becoming a law teacher myself, I decided to work on an LL.M. degree on a part-time basis while practicing law full-time and teaching business law as an adjunct professor at a local university. Those who have considered a career in legal education know what a peculiar and tortuous path leads to appointment on a law faculty. Clearly, I needed advice and counsel from an insider, someone who knew the "ropes" and the secret handshake that would gain my admission to the ivory tower. I turned again to Walter Steele.

I approached my former teacher with great trepidation. Even thinking about joining the ranks of persons like Professor Steele seemed to me a dangerously hubristic act. Expressing my interest in teaching to a master of the craft that I aspired to learn was especially daunting. I am sure that Professor Steele could have relegated me to a much different place in the profession with a critical look or a discouraging remark, but he didn't. Instead, he was thoughtful and helpful, just as he was as a teacher, and above all, never patronizing. He didn't gush over the great advance to legal education that my teaching would surely bring, but he blessed the venture with the kind of sound, pragmatic analysis that I had come to value so highly.

A compliment or word of encouragement from Walter Steele is a gem of great worth exactly because they are not freely distributed. I doubt that he worries much about the current concern over "self-esteem." Too much self-esteem, I suppose he might think, would lead one to complacency and acceptance of mediocrity.

And so I found myself once again in the classroom of Walter Steele, taking graduate law courses and appreciating from a different perspective how he could infuse the driest doctrine with lessons about ethics, compassion, and justice. Knowing my interest in becoming a law teacher, Professor Steele let me see what was happening "behind the curtain." We talked about teaching methods, and about evaluating student work. I never had the feeling that he begrudged me his time or expertise, but rather that he viewed his role as mentor as an obligation to protect and help future generations of law students who might otherwise suffer unnecessarily at my inexperienced hands. And of course, he was concerned

always with the thousands of clients whose fortunes would rest with graduates who had learned (or not learned) the law from me.

At the very end of my LL.M. work, I undertook the researching and writing of a thesis, and Walter Steele was my thesis adviser. In a time when word processing was an innovation not available to me, Professor Steele painstakingly critiqued each word of my rather lengthy piece and demanded that it be reorganized, strengthened, written better, and analyzed more carefully. Each new draft had to be typed anew on an electric typewriter, and by me, not by a secretary. After many drafts, and countless hours of editing and retyping, I realized that some of the changes proposed by my thesis adviser would return us to the version I had written in my first draft. When I pointed this out to Professor Steele, he laughed and said, "Well, I guess we've got it about right."

This last lesson as a student of Walter Steele was also a lasting one. Everything can be done better, and it will be if our expectations are high enough and our self-discipline strong enough to see it through. The reward for such work is the satisfaction that comes from knowing that it is as good as you can make it. It is not a pat on the back or a "well done," although those things make us feel good. My highest law school grades never came from Walter Steele, but I never worked harder or stretched myself more than I did trying to measure up to his expectations. In the end, that was my reward.

In my last semester, I was offered an appointment to the faculty of St. Mary's University School of Law where I have now taught for more than sixteen years. Walter Steele advised me along the way, telling me how and what to negotiate for myself. Throughout my teaching career, and to this day, I would seek his counsel on any topic concerning legal education, knowing I would receive sound, no-nonsense suggestions and appraisals to guide me.

Somewhere along the way, he and I decided to co-author a casebook on Texas criminal procedure. I was truly honored and a little nervous to be collaborating with my former professor on a project. However, his contributions saw the project through, not just because his work product was good (it was), but because his work ethic pervaded the project. The result of our efforts bears his indelible mark, as the following note from the book demonstrates:

... Do you feel that it asks too much of district judges to strictly follow the statute? If a guilty-pleading defendant has a conviction reversed because the judge "slipped up," is that an example of "criminals getting off because of a technicality"? Who is at fault here; the defendant? Be prepared to explain the difference between "substantial compliance" and being a little bit pregnant. From the viewpoint of a law student, can one graduate after having "substantially complied" with the graduation requirements of your law school?

This passage is vintage Steele. In its pointed way, laced with sarcasm, irreverence, and an obvious impatience with sloppy reasoning, this note

reflects the professor's refusal to let students accept anything at face value. Woe be to the innocent student who thinks that the court must be right just because it is the final authority.

Thanks to four editions of our book, and to the many other books, law review articles, bar journal pieces, commentaries, bar review lectures, classes, case supervision, consultations, and conversations, Walter Steele's teaching has reached thousands of students, lawyers, judges, legislators, and members of the public. Many of these people do not know Professor Steele, but I cannot imagine that they easily forgot the words he wrote or spoke, or the way he challenged their thinking. Walter Steele is a consummate teacher precisely because he always is teaching. To observe him, to converse with him, to listen to him, to read him, is to learn something.

In my own teaching, I so often find myself phrasing something the way he does. I exhort students to ethical behavior, or I poke at their ideas, or I contest their assumptions, and I know I am imitating Walter Steele in my own poorer way. I do not do this because I have no ideas of my own, but because I have at least the ability to see what is powerful and effective in his teaching. I know that while my attempts to imitate his successes are a pale reflection of the real thing, they are nevertheless sound.

On days when I am tired and tempted to lapse into unmitigated cynicism, I think about how Walter Steele's idealism is palpable beneath that cynical facade. I am reminded that if I want to be a teacher in the style I so admire, I first must teach by example. He would not talk about ethical behavior in the classroom, only to cut corners in his private life. He would not demand razor-sharp logic from his students, and then allow himself to be sloppy in his own thinking. And so, I am like all those others who forgo the rule of the case we studied in Steele's criminal justice class, but continue to remember the more important rules we learned from our teacher.

Over the years, and because people know we have some continuing connection, I am asked about Walter Steele. I have observed that the word former students seem to use most often to describe him is "intimidating." Listening to their anecdotes, one might suspect that when Professor Steele fishes, which is his first passion in life, he needs only to command fish to leap into the boat. He is intimidating because of his power, not the power some law professors wield to abuse their students, but the power of his intellect, his expectations, his character and integrity, and the power of his ideals. In an age in which such powers often are not regarded as fashionable, Walter Steele demonstrates why they never go out of style.

It is a great loss that students at S.M.U. no longer will be "intimidated" by Walter Steele in the classroom, but no doubt others will continue to know that kind of intimidation—law graduates answering his bar exam questions, judges, lawyers, former students, co-authors, and, of course, fish. I am among the very many who are better for having jumped into Walter Steele's boat.